



Sea Fisheries Act 1968

1968 CHAPTER 77

Regulation of sea fishing operations

8 General powers of British sea-fishery officers.

- (1) For the purpose of enforcing the provisions of any order under section 5 above or [^{F1}of section 12 of the Fisheries Act 2020] or any order thereunder a British sea-fishery officer may exercise in relation to any fishing boat within [^{F2}British fishery limits] and in relation to any British fishing boat anywhere outside those limits the powers conferred by subsection (2) to (4) below.
- (2) He may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which will facilitate the boarding of the boat.
- (3) He may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (1) above and, in particular,—
 - (a) may examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and
 - [^{F3}(b) may require any person on board the boat to produce any document relating to the boat, to its fishing operations or other operations ancillary thereto or to the persons on board which is in his custody or possession and may take copies of any such document;
 - (c) for the purpose of ascertaining whether the master, owner or charterer of the boat has committed an offence under any of the provisions mentioned in subsection (1) above, may search the boat for any such document and may require any person on board the boat to do anything which appears to him to be necessary for facilitating the search;
 - (d) where the boat is one in relation to which he has reason to suspect that such an offence has been committed, may seize and detain any such document produced to him or found on board for the purpose of enabling the document to be used as evidence in proceedings for the offence;

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 8. (See end of Document for details)

but nothing in paragraph (d) above shall permit any document required by law to be carried on board the boat to be seized and detained except while the boat is detained in a port.]

[^{F4}(4) Where it appears to a British sea-fishery officer that a contravention of any provision of an order under section 5 above or of [^{F5}section 12 of the Fisheries Act 2020] has at any time taken place within British fishery limits, he may—

- (a) require the master of the boat in relation to which the contravention took place to take, or may himself take, the boat and its crew to the port which appears to him to be the nearest convenient port; and
- (b) detain or require the master to detain the boat in the port;

and where such an officer detains or requires the detention of a boat he shall serve on the master a notice in writing stating that the boat will be or is required to be detained until the notice is withdrawn by the service on the master of a further notice in writing signed by a British sea-fishery officer.]

(5) If it appears to a British sea-fishery officer that a British fishing boat or a fishing boat belonging to a country which is party to a convention to which Her Majesty's Government in the United Kingdom is a party is being so navigated or stationed as to interfere or be likely to interfere with fishing operations which are being carried on, or about to be carried on, within [^{F2}British fishery limits], he may require the boat to move away or to move in a direction or to a position specified by him.

(6) For the purpose of enforcing the collision regulations made under section [^{F6} 85 of the Merchant Shipping Act 1995], so far as they apply to fishing boats, a British sea-fishery officer may exercise, in relation to any fishing boat within [^{F2}British fishery limits] and in relation to a British fishing boat anywhere outside those limits, the powers conferred by section [^{F6}257 of the Merchant Shipping Act 1995 (powers to require production of ships documents)], whether or not he is mentioned in that [^{F6}section], and also the powers conferred by the foregoing provisions of this section, and section [^{F6} 257] of that Act so far as it relates to the former powers shall apply accordingly.

Textual Amendments

- F1** Words in s. 8(1) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 2(2)** (a) (with Sch. 4 para. 31)
- F2** Words substituted by Fishery Limits Act 1976 (c. 86), **Sch. 2 para. 17(1)**
- F3** S. 8(3)(b)–(d) and following paragraph substituted for S. 8(3)(b) by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(2)
- F4** S. 8(4) substituted by Fisheries Act 1981 (c. 29, SIF 52:1), s. 26(3)
- F5** Words in s. 8(4) substituted (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(b), **Sch. 4 para. 2(2)** (b) (with Sch. 4 para. 31)
- F6** Words in s. 8(6) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 43(a)** (with s. 312(1))

Modifications etc. (not altering text)

- C1** S. 8 applied by Merchant Shipping Act 1988 (c. 12, SIF 111), ss. 25(3), 58(4), **Sch. 8 para. 1**
S. 8 applied (21.3.1994) by 1993 c. 22, s. 5(9); S.I. 1993/3137, art. 3(1), **Sch. 1**
S. 8 applied (1.1.1996) by 1995 c. 21, ss. 15(9), 316(2) (with s. 312(1))
S. 8 applied (1.1.1996) by 1868 c. 45, s. 26 (as substituted by 1995 c. 21 ss. 314(2), 316(2), Sch. 13 para. 2) (with s. 312(1))
- C2** S. 8 extended by Fisheries Act 1981 (c. 29, SIF 52:1), s. 30(1)(c)

Changes to legislation: There are currently no known outstanding effects for the Sea Fisheries Act 1968, Section 8. (See end of Document for details)

- C3** S. 8(3) modified (temp.) (S.) (1.11.2010) by [The Scallops \(Luce Bay\) \(Prohibition of Fishing\) Order 2010 \(S.S.I. 2010/375\)](#), art. 1(1)(2)**4(2)(a)**
- C4** S. 8(4) modified (temp.) (S.) (1.11.2010) by [The Scallops \(Luce Bay\) \(Prohibition of Fishing\) Order 2010 \(S.S.I. 2010/375\)](#), art. 1(1)(2)**4(2)(b)**

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